

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

ELLIOT ENOKI
First Assistant U.S. Attorney

LOUIS A. BRACCO
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Boulevard
P.O. Box 50183
Honolulu, Hawaii 96850
Telephone: (808) 541-2850

Attorneys for Plaintiff
UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 31 2002
at 11 o'clock and 29 min M
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00179 HG
)	
Plaintiff,)	SUPERSEDING INDICTMENT
)	
vs.)	
)	
JOHN STEVE TOLEDO,	(01))	
a/k/a "Steve Toledo,")	
MANUEL LOPES,	(02))	
a/k/a "Manny Lopes,")	
HERBERT KEALOHA,	(03))	
MIKE DeGUAIR,	(04))	
LINDSAY DUZON,	(05))	
CHRIS TAKEUCHI,	(06))	
a/k/a "Chris Cross,")	
MARY GOMEZ,	(07))	
)	
Defendants.)	
)	

SUPERSEDING INDICTMENT

SEALED
BY ORDER OF THE COURT

COUNT 1

The Grand Jury charges that:

A. General Allegations

From a time unknown but by 1997 and continuing to April 16, 2002, in the District of Hawaii and elsewhere,

JOHN STEVE TOLEDO, a/k/a Steve Toledo,

MANUEL LOPES, a/k/a Manny Lopes,

HERBERT KEALOHA

MIKE DeGUAIR

LINDSAY DUZON

CHRIS TAKEUCHI, a/k/a Chris Cross, and

MARY GOMEZ

defendants herein, willfully conspired together with each other, and with Daniel Seawater (a/k/a "Boomer"), Theodore ("Ted") Wender, Rosane Oili (a/k/a Rosane Higa), and Robert L. Lee, co-conspirators but not defendants herein, and with other persons known and unknown to the Grand Jury, to (1) unlawfully manufacture in excess of 50 grams of methamphetamine, its salts, isomers, and salts of its isomers (a Schedule II controlled substance), and to, (2) unlawfully distribute the methamphetamine which the conspirators anticipated would be produced, in violation of Title 21, United States Code, Section 841(a)(1).

B. Manner and Means of the Conspiracy

It was the objective of this conspiracy that quantities of pseudoephedrine tablets and certain precursor chemicals (including iodine, toluene, acetone, muriatic acid, and phosphorus) would be obtained from available sources of supply, and used to clandestinely manufacture methamphetamine and crystal methamphetamine ("ice"), on an ongoing basis.

The conspirators intended that ephedrine would be extracted from pseudoephedrine tablets and thereafter processed with precursor chemicals to chemically react (i.e. -- be "cooked") to produce methamphetamine and crystal methamphetamine, at concealed locations in Hawaii. The conspirators further intended that once quantities of methamphetamine and/or crystal methamphetamine were produced, such drugs would be distributed for profit.

C. Roles of the Conspirators

In furtherance of and during the existence of this conspiracy, the persons named in this Indictment participated in the conspiracy in Hawaii, as follows:

1. Steve Toledo organized, supervised, and directed the activities of the other conspirators. Toledo solicited and induced persons knowledgeable about the manufacturing/production of methamphetamine (and crystal methamphetamine) to act as methamphetamine "cooks." Toledo also arranged for "runners" to

supply the methamphetamine cooks with pseudoephedrine tablets, ephedrine, precursor chemicals, and other supplies, including chemical flasks and glassware. Additionally, Toledo decided who would receive methamphetamine once it was produced.

2. Daniel Seawater (a/k/a "Boomer") acted as a methamphetamine "cook," that is, a person who received pseudoephedrine tablets (and/or ephedrine) and precursor chemicals, and caused these chemicals to be heated (or otherwise react together) to produce methamphetamine. Seawater's participation in the conspiracy terminated with his arrest and incarceration in August 1998.

3. Ted Wender acted as a methamphetamine "cook" as above described. Wender's participation in the conspiracy terminated with his arrest and incarceration in November 1999.

4. Manny Lopes obtained and provided to the conspirators ephedrine and/or pseudoephedrine tablets, precursor chemicals and glassware. Lopes also arranged for drug distributors to obtain "ice" and methamphetamine which was produced. Lopes also distributed methamphetamine. Lopes' participation in the conspiracy terminated in or about April 2001, upon Lopes and Toledo having a "falling-out."

5. Rosane Oili (a/k/a Rosane Higa) acted as a "runner." Oili obtained pseudoephedrine tablets and precursor chemicals, glassware, and other supplies, which materials were in

turn used by the "cooks" to manufacture methamphetamine. Oili also distributed methamphetamine. Oili's participation in the conspiracy terminated with her arrest and incarceration in May 2000.

6. Robert L. Lee acted as a "helper," and assisted Ted Wender to "cook" (i.e. - manufacture) methamphetamine. Lee's participation in the conspiracy terminated with his arrest and incarceration in November 1999.

7. Herbert Kealoha acted as a "runner." Kealoha obtained pseudoephedrine tablets from which ephedrine was extracted, and precursor chemicals, which were used by the "cooks" to manufacture methamphetamine. Kealoha also provided monies to other "runners" to be used to purchase pseudoephedrine tablets and precursor chemicals. Kealoha also distributed methamphetamine.

8. Mike DeGuair acted as a "helper." DeGuair helped extract ephedrine from pseudoephedrine tablets. DeGuair also distributed methamphetamine.

9. Chris Takeuchi acted as a methamphetamine cook as above described.

10. Lindsay Duzon acted as a "helper." Duzon obtained toluene and other precursor chemicals to be used by the "cooks" to manufacture methamphetamine.

11. Mary Gomez acted as "runner." Gomez obtained pseudoephedrine tablets from which ephedrine was extracted.

D. Fruits of Conspiracy/amount of Drugs

As a result of the conspiracy to manufacture methamphetamine alleged herein, in excess of 50 grams of methamphetamine, its salts, isomers, and salts of its isomers, was clandestinely manufactured in the State of Hawaii. During the life of, and pursuant to, the conspiracy alleged herein, approximately 50-100 pounds of methamphetamine was produced and distributed.

All in violation of Title 21, United States Code, Sections 846 and 841(b) (1) (A).

COUNT 2

The Grand Jury further charges that:

In or about March or April 2002, in the District of Hawaii, defendant JOHN STEVE TOLEDO knowingly and intentionally manufactured a quantity of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a) (1).

COUNT 3

The Grand Jury further charges that:

On or about April 16, 2002, in the District of Hawaii, defendant JOHN STEVE TOLEDO, a/k/a "Steve Toledo," knowingly and intentionally possessed equipment, to wit, two glass reaction flasks, a condenser, and paper filters, knowing and having reasonable cause to believe that such equipment would be used to unlawfully manufacture a controlled substance, to wit, methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 843(a)(6).

COUNT 4

The Grand Jury further charges that:

In or about March or April 2002, in the District of Hawaii, defendant MANUEL LOPES, a/k/a "Manny Lopes," knowingly and intentionally manufactured a quantity of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 5

The Grand Jury further charges that:

On or about April 16, 2002, in the District of Hawaii, defendant MANUEL LOPES, a/k/a "Manny Lopes," knowingly and intentionally possessed equipment, to wit, two glass reaction

flasks, knowing and having reasonable cause to believe that such equipment would be used to unlawfully manufacture a controlled substance, to wit, methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 843(a)(6).

COUNT 6

The Grand Jury further charges that:

On or about April 16, 2002, in the District of Hawaii, defendant JOHN STEVE TOLEDO, a/k/a "Steve Toledo," being an unlawful user of controlled substance (to wit: methamphetamine, a Schedule II controlled substance), did knowingly possess in and affecting commerce a firearm, namely:

(1) a J.C. Higgins Marlin .22 caliber rifle (no serial number);

(2) a Remington 12 gauge shotgun, serial # PC223853;
and

(3) a Sturm Ruger 12 gauge shotgun, serial # 410-23415;

All in violation of Title 18, United States Code, Section 922(g)(3).

COUNT 7

The Grand Jury charges that:

On or about April 16, 2002, in the District of Hawaii, defendant MANUEL LOPES, a/k/a "Manny Lopes," being an unlawful user of a controlled substance (to wit: marijuana, a Schedule I controlled substance), did knowingly possess in and affecting commerce a firearm, namely:

(1) a Remington, model Sportmaster 512, .22 caliber rifle, serial number LC5.

(2) a Terni, bolt action rifle, serial number DG8328.

(3) a Springfield Armory, model 1903, .30-06 caliber bolt action rifle, serial number 901754.

(4) an Arisaka, 7.7 x 58mm caliber rifle, serial number 95991.

(5) a Marlin, model 60, .22 caliber rifle, serial number 20633252.

(6) an Eastern Arms, 12 gauge shotgun, with no serial number.

(7) a Remington, 12 gauge shotgun, serial number 100043.

(8) a Lee Enfield, model 4MK1, .303 caliber rifle, serial number M2093142A.

(9) a Winchester, model 3T, .22 caliber rifle, serial number R215730.

(10) a National Ordnance, model M1, .30 caliber rifle, serial number 37751.

(11) a Savage, model 101, 20 gauge shotgun, serial number A554728.

(12) a Stevens, .22 caliber rifle, serial number 18688.


All in violation of Title 18, United States Code, Section 922(g)(3).

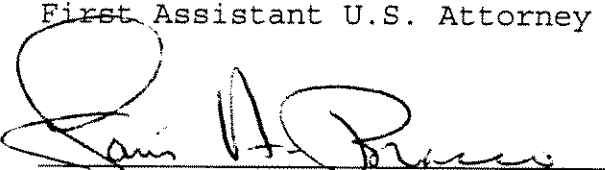
DATED: 7/31, 2002, at Honolulu, Hawaii.

A TRUE BILL

13/
FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii


ELLIOT ENOKI
First Assistant U.S. Attorney


LOUIS A. BRACCO
Assistant U.S. Attorney